



California Regional Water Quality Control Board

San Diego Region



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Environmental
Protection

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CERTIFIED RETURN MAIL RECEIPT REQUESTED

March 2, 2001

Z 498 397 881

Mr. Chris Crompton
County of Orange
Public Facilities & Resources Department
10852 Douglass Road
Anaheim, CA 92806

A DIRECTIVE ISSUED PURSUANT TO CALIFORNIA WATER CODE SECTION 13225 TO COUNTY OF ORANGE, ORANGE COUNTY FLOOD CONTROL DISTRICT, CITY OF LAGUNA BEACH, CITY OF LAGUNA HILLS, CITY OF LAGUNA NIGUEL, CITY OF LAGUNA WOODS, CITY OF LAKE FOREST, AND CITY OF MISSION VIEJO FOR AN INVESTIGATION OF URBAN RUNOFF IN THE ALISO CREEK WATERSHED

The San Diego Regional Water Quality Control Board (SDRWQCB) finds that the County of Orange, the Orange County Flood Control District, and the Cities of Laguna Beach, Laguna Hills, Laguna Niguel, Laguna Woods, Lake Forest and Mission Viejo (Permittees) may be discharging waste with high bacteria levels from municipal storm drain outfalls into Aliso Creek and tributaries thereof. This finding is based on the review of monitoring data presented in the following reports 1) The NPDES Annual Report¹; 2) The Aliso Creek Water Quality Planning Study²; and the 3) The Report of Waste Discharge: Second Term Permit Program Summary³.

The Aliso Creek Mouth and the Laguna Beach hydrologic sub-area (HAS) to the Pacific Ocean are listed as Clean Water Act Section 303(d) impaired for high coliform levels. The Co-Permittees' discharge impairs the ability of the water to support Potential Contact Recreation (REC-1) in violation of the Water Quality Control Plan for the San Diego Basin (9) Water Quality Objective, and creates a condition of pollution and/or nuisance. On September 17, 1997 Addendum No. 1 to Order No. 95-107 modified the NPDES permit for Aliso Water Management Agency (AWMA) to allow the diversion of summertime flow of Aliso Creek to the AWMA Ocean Outfall. This interim diversion was established to temporarily protect human health at the beach but is an inadequate solution to correcting the nuisance leading to water quality impairment. Accordingly, it is important for the Co-Permittees to take all necessary measures to ensure that discharges into and from its storm water conveyance systems do not cause or

¹ NPDES Annual Progress Report, submitted by the County of Orange Public Facilities and Resources Department and received in this office on November 15, 2000.

² Orange County, et al. June 2000. Draft Final Report Aliso Creek 205(j) Water Quality Planning Quality.

³ Report of Waste Discharge: Second Term Permit Program Summary (ROWD), submitted by the County of Orange Public Facilities and Resources Department and received in this office on September 6, 2000.

California Environmental Protection Agency

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contribute to impairment of the Aliso Creek Mouth or the Laguna Beach HSA. Federal Regulations require that water quality standards of downstream water must be considered and maintained [40 CFR 131.10(b)]. Therefore, no tributary may contribute to an incidence of pollution, which threatens the beneficial use of a receiving water body.

Order No. 96-03, NPDES No. CAS0108740, *Waste Discharge Requirements for Storm Water and Urban Runoff from the County of Orange, the Orange County Flood Control District, and the Incorporated Cities of Orange County Within the San Diego Region (Permit)* requires that corrective actions be taken when a contribution to impairment is identified. Upon review of your Report of Waste Discharge, the SDRWQCB has determined that throughout the second Permit term, the condition of impairment has not been adequately improved. Therefore, in accordance with Part IV.1.a.ii. of the Permit, the SDRWQCB has determined that implementation of the previously approved DAMP will not have a reasonable likelihood of preventing future impairment of the REC 1 beneficial use. Furthermore, SDRWQCB review of the Proposed DAMP⁴ finds that, in its current form, will be inadequate to serve as the foundation for a program to correct the impairment of Aliso Creek. Therefore, the SDRWQCB is stipulating that all Permittees in the Aliso Creek watershed must conduct an evaluation of the relative contribution of the urban storm water discharges to the impairment of beneficial uses or the exceedances of water quality objectives and where necessary take appropriate measures to eliminate the sources of pollution.

Pursuant to California Water Code Sections 13267, 13225, & 13383, the Permittees are hereby directed to submit detailed technical reports in accordance with the time schedule specified below. The technical reports include an initial report and subsequent quarterly status reports. The quarterly status reports shall be submitted by each Permittee until such time the SDRWQCB determines nuisance discharges have been prevented to the Maximum Extent Practicable by that Permittee. At a minimum, the reports shall include the following information pertaining to discharges from Permittee owned or operated municipal storm water sewer systems to Aliso Creek. If justified based upon monitoring conducted to date, a Permittee may submit a proposal for an alternative monitoring strategy than specified below. The Permittee must submit the proposal by March 31, 2001 and provide the rationale for alternative sampling and an explanation for how the alternative sampling achieves the objective of quantifying the bacteria discharged from the Permittee's MS4 system.

A. Initial Report

The initial report is due by April 30, 2001 and shall contain:

1. A brief summary of all investigations conducted to date by each permittee to address the persistence, the significance, and to the extent feasible, the causes of the impairment or exceedance, and the technical and economic feasibility of control actions available to the

⁴ The Drainage Area Management Plan was submitted by the County of Orange Public Facilities and Resources Department and received in this office on September 6, 2000

permittees to reduce or eliminate the impairment or exceedance.

2. Geographic Information System themes/layers in an ARCVIEW compatible format delineating the following:

- a) Aliso Creek watershed boundaries
- b) Storm drain outfalls
- c) Municipal boundaries
- d) Roadways
- e) Latitude / Longitude coordinates for each major direct outfall

Quarterly Reports

The quarterly reports are due as follows:

<u>Reporting Period</u>	<u>Due Date</u>
April, May and June	31 July
July, August, and September	31 October
October, November and December	31 January
January, February and March	30 April

Each quarterly report shall contain:

1. The results of weekly monitoring beginning during the week of April 1, 2001, for flow rate and fecal coliform, Enterococci and Escherichia coli bacteria concentrations in discharges from the 54 major direct inputs to Aliso Creek and the seven natural tributaries to Aliso Creek.⁵ *(It is understood by the SDRWQCB that the 54 major direct outfalls are identified as such on Permittee drainage maps of the Aliso Creek watershed.)* Sampling shall consist of grab samples and the reported data shall include:
 - a. The date, exact places, and time of sampling or measurements;
 - b. A description of climatic and receiving water characteristics at the time of sampling (weather observations, floating debris, discoloration, etc.).
 - b. The individuals who performed the sampling or measurements;
 - c. The date(s) analyses were performed;
 - d. The laboratory and individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and

⁵ Once problem tributaries and major direct inputs have been established, a proposal may be submitted as part of a quarterly report for SDRWQCB approval, for an alternative monitoring strategy based upon the submitted quarterly monitoring data. The proposal must provide the rationale for alternative sampling and an explanation for how the alternative sampling achieves the objective of quantifying the bacteria discharged from the Permittee's MS4 system.

- f. The results of all laboratory analyses; and
 - g. The results of field analysis for chlorine residual, pH and flowrate.
2. A description of the Permittee's efforts during the quarter to identify the persistence, the significance, and to extent feasible, the causes of the impairment or exceedance, and to the extent feasible the technical and economic feasibility of control actions available to the permittees to reduce or eliminate the impairment or exceedance.
3. A description and an evaluation of the effectiveness of the structural and non-structural BMPs currently being implemented to ensure that the discharge of bacteria and other pollutants to the storm water conveyance systems which discharges specifically to the Creek or its tributaries is prevented.
4. Identification of future measures that would eliminate levels of high bacteria from storm water conveyance system outfalls.
5. Any update of the time schedule and work plan for eliminating sources of bacteria and measures to prevent pollutants from contributing to any violation of the REC 1 standard.

Please note that sampling and analysis methods shall be those presented in the most recent edition of Standard Methods for the Examination of Water and Wastewater or any improved method approved by the Executive Officer. All analyses shall be performed in a laboratory certified to perform such analyses by the California Department of Health Service or a laboratory approved by the Executive Officer.

The technical reports submitted to the SDRWQCB shall contain the following signed certification statement:

I certify under penalty of law that that this document and all attachments were prepared under my direction or supervision I accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The certification statement shall be signed by either a principal executive officer or ranking elected official, or by a duly authorized representative of that person.

Failure to respond or late response to this request may subject the Co-Permittees to civil liability in an amount up to \$1,000 for each day the violation occurs (California Water Code Section 13268). Any request for an extension of the submittal date set forth above must be submitted in

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writing. Such requests are denied, absent written approval from SDRWQCB staff. You are advised that the first quarterly report is due to the SDRWQB on May 31, 2001. Questions pertaining to this request should be directed to Bob Morris at 858-467-2962. Please direct written correspondence to me at the letterhead address.

Respectfully,



JOHN H. ROBERTUS

Executive Officer

San Diego Regional Water Quality Control Board

cc: The County of Orange
The Orange County Flood Control District
The City of Laguna Beach
The City of Laguna Hills
The City of Laguna Niguel
The City of Laguna Woods
The City of Lake Forest
The City of Mission Viejo
Seema Mehta, The Los Angeles Times
Roger Van Butow, Clean Water Now!
Michael Hazard, Clean Aliso Creek Association
Michael Beanan, South Laguna Civic Association

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